IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: H. Thomas Graef, et al.

Application No.: 09/972,400	Group No.: 3628
Confirmation No.: 5065	Examiner: Frantzy Poinvil
Filed: October 5, 2001	Title: Automated Banking Machine and System

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Ralph E. Jocke, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER

Petitioner(s) hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,334,117 B1, as presently shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,334,117 B1, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

(Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1 of 2)

DISCLAIMER FEE
(37 C.F.R. 1.20(d))

Other than a small entity - fee $110.00.

FEE PAYMENT

Authorization is hereby made to charge the amount of $110.00 to Deposit Account No. 09-0428.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this disclaimer is attached.

Ralph E. Jocke   Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, OH 44256
U.S.
(330) 721-0000
Customer No. 28995

Walker & Jocke

a legal professional association

ph E. Jocke
Patent
&
Trademark Law

October 27, 2004

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 3628
Patent Examiner Frantzy Poinvil

Re: **Application Serial No.:**   **09/972,400**
      Confirmation No.:   **5065**
      Applicants: **Jay Paul Drummond, et al.**
      Title: **Automated Banking Machine and System**
      Docket No.:   **D-1077+14 DIV**

Sir:

Please find enclosed a Terminal Disclaimer in response to the Office Action dated October 14, 2004 for filing in the above-identified Application. Reconsideration is requested. As there are no further outstanding issues, a Notice of Allowance is respectfully requested.

Please charge the fee associated with the Terminal Disclaimer ($110) and any other fee due to Deposit Account 09-0428.

Very truly yours,

Ralph E. Jocke
Reg. No. 31,029

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document and the documents indicated as enclosed herewith are being deposited with the U.S. Postal Service as Express Mail Post Office to addressee in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 this _27ᴹ_ day of October 2004.

___EV482422825US___
Express Mail Label No.

Ralph E. Jocke